

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JAMES T. TYNAN, JR.

VS.

U.S. BANK, N.A.

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C.A. NO. 4:22-cv-1433

STIPULATION OF DISMISSAL

Plaintiff James T. Tynan Jr. (“**Plaintiff**”) and Defendant, U.S. Bank Trust National Association, as Trustee of American Homeowner Preservation Trust Series improperly named as U.S. Bank, N.A. (“Trustee” or “Defendant”) hereby file this Stipulation of Dismissal pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, and would respectfully show unto the Court as follows:

1. Plaintiff filed this lawsuit against Defendant seeking to delay or prevent foreclosure by Trustee. Defendant appeared denying all claims. Plaintiff wishes to dismiss all claims against Defendant without prejudice and the parties agree because Plaintiff recently filed for bankruptcy protection and therefore Defendant has withdrawn its objections to dismissal and consents to same.

2. In conformity with Rule 41(a)(1)(A)(ii), this Stipulation is signed by all parties who have appeared in the action.

3. By this Stipulation, it is hereby stipulated all claims of Plaintiff against Defendant are dismissed without prejudice. This Stipulation disposes of all claims and causes of action by all parties.

4. Plaintiff and Defendant further stipulate that all costs of court, attorney’s fees and other costs incurred are to be borne by the party incurring the same.

WHEREFORE, PREMISES CONSIDERED, all claims and causes of action brought by Plaintiff against Defendants are dismissed without prejudice.

Respectfully submitted,

By: /s/ Robert C. Vilt

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ATTORNEYS-IN-CHARGE FOR PLAINTIFF

By: /s/ Michael F. Hord Jr.

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ATTORNEY-IN-CHARGE FOR DEFENDANT

CERTIFICATE OF SERVICE

On this 7th day of September, 2022, I hereby certify that a true and correct copy of the foregoing document was forwarded as follows:

Robert C. Vilt
Vilt and Associates, P.C.
5177 Richmond Avenue, Suite 1142
Houston, TX 77056
Via ECF

/s/ Michael F. Hord Jr.

Michael F. Hord Jr.